

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-893V

UNPUBLISHED

AUTUMN MORGAN,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: May 21, 2020

Special Processing Unit (SPU);
Damages Decision Based on Proffer;
Influenza (Flu) Vaccine;
Meningococcal Vaccine; Vasovagal
Syncope

Paul R. Brazil, Muller Brazil, LLP, Dresher, PA, for petitioner.

Colleen Clemons Hartley, U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

On June 18, 2019, Autumn Morgan filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, et seq., (the “Vaccine Act”). Petitioner alleges that she suffered vasovagal syncope as result of an influenza (“flu”) and meningococcal vaccines received on September 7, 2016. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On December 6, 2019, a ruling on entitlement was issued, finding Petitioner entitled to compensation for syncope. On May 20, 2020, Respondent filed a proffer on award of compensation (“Proffer”) indicating Petitioner should be awarded damages in the amount \$62,983.82, representing compensation in the amount of \$60,000.00 for pain and suffering and \$2,983.82 for past unreimbursed expenses. Proffer at 1-2. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. *Id.*

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, **I award Petitioner a lump sum payment of \$62,983.82 in the form of a check payable to Petitioner.** This amount is comprised of pain and suffering (\$60,000.00) and past unreimbursed expenses (\$2,983.82), and represents compensation for all damages that would be available under § 15(a).

The clerk of the court is directed to enter judgment in accordance with this decision.²

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

² Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

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| AUTUMN MORGAN, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 19-893V |
| |) | Chief Special Master Corcoran |
| SECRETARY OF HEALTH AND HUMAN |) | ECF |
| SERVICES, |) | |
| |) | |
| Respondent. |) | |
| |) | |

On June 18, 2019, Autumn Morgan (“petitioner”) filed a petition for vaccine injury compensation alleging that she suffered vasovagal syncope as result of an influenza (“flu”) and meningococcal vaccines administered on September 7, 2016. On December 2, 2019, respondent conceded that entitlement to compensation was appropriate under the terms of the Vaccine Act. On December 6, 2019, Chief Special Master Corcoran issued a Ruling on Entitlement finding that petitioner was entitled to compensation.

Based upon the evidence of record, respondent proffers that petitioner should be awarded \$62,983.82, consisting of pain and suffering (\$60,000.00) and past unreimbursed expenses (\$2,983.82), which represents all elements of compensation to which petitioner would be entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

Respondent recommends that the compensation provided to petitioner be made through a

lump sum payment of \$62,983.82 in the form of a check payable to petitioner.¹ Petitioner agrees.

Petitioner is a competent adult. Evidence of guardianship is not required in this case.

Respectfully submitted,

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DATED: May 20, 2020

¹ Should petitioner die prior to the entry of judgment, respondent reserves the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future medical expenses, future pain and suffering, and future lost wages.